

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**IN RE:**

**CONTRACTOR TECHNOLOGY, LTD.**

**Debtor**

§  
§  
§  
§  
§  
§

**Case No. 05-37623-H1-7  
(Chapter 7)**

**JOINT MOTION OF THE CHAPTER 7 TRUSTEE AND THE INTERNAL REVENUE  
SERVICE TO DISBURSE FUNDS FROM THE REGISTRY OF THE COURT**  
**(Related to Doc. Nos. 2064 and 2065)**

Pursuant to Local Rule 9013:

**THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT HEARING.**

**REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.**

TO THE HONORABLE MARVIN ISGUR, CHIEF UNITED STATES BANKRUPTCY JUDGE:

Ronald J. Sommers, chapter 7 trustee (the “Trustee”) for the above-referenced Debtor, and the Internal Revenue Service (the “IRS”) file this Joint Motion to Disburse Funds from the Registry of the Court (the “Motion”).

**Jurisdiction and Venue**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A).

2. Venue for this Motion is appropriate in this District pursuant to 28 U.S.C. §§ 1408 and 1409.

**Factual Background**

3. On or about December 1, 2009, the Trustee mailed two checks to the IRS in the amounts of \$73,759.61 and \$16,125.83. On or about September 22, 2010, the Trustee mailed two additional checks to the IRS in the amounts of \$35,492.82 and \$7,775.20. These checks represented the withholdings for FICA, Medicare, and Social Security related to an interim and final distribution in this Bankruptcy Case. These checks never cleared the Trustee's account.

4. On July 1, 2011, the Trustee filed his Application to Pay Funds into the Registry Under 11 U.S.C. § 347(a) (the "Application"). [Doc. No. 2064]. The funds subject to the Application included the above-described withholdings. On July 5, 2011, the Court's Clerk signed the Order for Deposit of Funds which approved the Application and ordered the Trustee to pay those funds into the registry of the Court. [Doc. No. 2065]. The Trustee paid unclaimed funds into the Court's registry.

5. Trustee's counsel has contacted the Court's clerk by phone. The Clerk states that it is presently holding \$173,113.08 in the registry of the Court for this case.

**Relief Requested**

6. The Trustee and the IRS request that the Court order these funds, which total \$133,153.46, to be disbursed from the registry of the Court to the IRS.

Accordingly, the Trustee and the IRS request that the Court order \$133,153.46 to be disbursed from the registry of the Court to the IRS.

Respectfully submitted,

By: /s/ Richard A. Kincheloe

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SERVICE

**Certificate of Service**

The undersigned certifies that he served the foregoing Motion to the parties listed on the attached limited service list on this 11th day of May, 2012, by ECF transmission and/or first-class U.S. Mail, postage prepaid.

/s/ Richard A. Kinchloe

Richard A. Kinchloe

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